

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

EDWARDSVILLE COMMUNITY)	
SCHOOL DISTRICT NO. 7,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 07-801-GPM
)	
MELISSA GRAY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

The Court recently held a hearing on the motion for attorney’s fees and costs filed by Edwardsville Community Unit School District No. 7 (“Edwardsville CUSD”). For the reasons set forth on the record and below, the motion is granted.

The Court finds that Defendant Gray acted willfully and vexatiously when she disputed the terms of the settlement agreement following the conference with Magistrate Judge Wilkerson. *See Chambers v. NASCO, Inc.*, 501 U.S. 32, 45-46 (1991) (a sanction under the Court’s inherent power is appropriate where a party acts “in bad faith, vexatiously, wantonly, or for oppressive reasons.”). The Court further finds sanctions appropriate under its inherent power, as opposed to Federal Rule of Civil Procedure 11, because Gray’s willful refusal to promptly effectuate the settlement did not involve documents presented to the court, but her actions directly caused Edwardsville CUSD to incur attorney’s fees and costs that never would have been incurred without her vexatious conduct. In other words, Gray’s conduct abused the judicial process. Edwardsville CUSD was prejudiced by

Gray's misconduct in the amount sought in the motion and in the fees incurred during the recent court hearing. The Court finds it appropriate to make Gray bear the financial burden occasioned by her conduct.

Accordingly, the motion for attorney's fees and costs (Doc. 27) is **GRANTED**. Gray shall pay to Edwardsville CUSD the amount of \$2,385.90, plus \$262.50 (for 1.5 hours of attorney Knapp's time on August 10, 2009, at the rate of \$175/hour), for a total sanction of **\$2648.40**. This sanction shall be paid within **14 days** of this Order. The Clerk of Court is **DIRECTED** to mail a copy of this Memorandum and Order to Defendant Gray via Federal Express overnight delivery.

IT IS SO ORDERED.

DATED: 8/11/09

s/ *G. Patrick Murphy*
G. Patrick Murphy
United States District Judge